

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<p>THERMO FINNIGAN LLC,  Plaintiff and Counter-Defendant,  v.  APPLERA CORPORATION,  Defendant and Counter-Plaintiff.</p>	<p>Civil Action No. 04-1505 GMS</p>
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**NOTICE OF DEPOSITION OF JIM HURST**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Applera Corporation through their attorneys, will take deposition upon oral examination of Jim Hurst, commencing on March 10, 2006, beginning at 9:00 a.m., and continuing from day to day thereafter until completed, at the law offices of Kenyon & Kenyon, One Broadway, New York, NY 10004, or at such other time and place as may be mutually agreed upon by the parties. The deposition will be taken before a notary public or other office authorized to administer oaths and take testimony, and will be recorded by stenographic means. The deposition may be audiotaped and/or videotaped.

You are invited to attend and cross-examine.

January 5, 2006



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**CERTIFICATE OF SERVICE**

I, Adam W. Poff, Esquire, hereby certify that on January 5, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Frederick L. Cottrell, III, Esquire  
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I further certify that on January 5, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following non-registered participants in the manner indicated:

**BY FEDERAL EXPRESS**

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